

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

V.

CFS INSTALLATIONS INC. and
MATTHEW NORMAN

Defendants.

Case No. 13 C 5115

Judge Kennelly

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On this Court entered an Order of Default against the Defendants for their failure to answer the complaint. (Exhibit A)
3. The Order of Default directed the Defendant, among other things, to submit reports and contributions and the dues deducted from the employees' pay checks. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)
4. The Defendants submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$35,686.40 for the months of July 2013 through September 2013. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$2,172.24 for the period August 2013 through September 2013. (Exhibit B affidavit)

5. Defendant, Matthew Norman, is personally liable for the dues under the Illinois Wage Payment and Collection Act ,820 ILCS 115/1, et seq. Matthew Norman is an officer of CFS Installations, Inc. and knowingly permitted and willfully refused to remit dues on behalf of its employees in violation of the Wage Act. 820 ILCS 115/14.

6. CFS Installations, Inc. owes interest on the unpaid ERISA contributions in the amount of \$260.64 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. CFS Installations, Inc. owes liquidated damages on the unpaid ERISA contributions in the amount of \$8,619.42 for the period March 2013 through September 2013 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. CFS Installations, Inc. owes the sum of \$7,441.08 for necessary and reasonable attorney fees and costs of \$455.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted against CFS Installations, Inc. in the amount of \$54,634.78 and against Matthew Norman in the amount of \$2,172.24.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

Whitfield McGann & Ketterman
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
312.251.9700